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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUU TIEU,

Defendant.

CASE NO. 1:20-CR-00109-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 14, 2022
TIME: 1:00 p.m.
COURT: Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 14, 2022.
2. By this stipulation, defendants now move to continue the status conference until March 8, 2023, and to exclude time between December 14, 2022, and March 8, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, recordings, electronic evidence, and other documents that exceeds 23,772 pages. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to conduct investigation and research related to the charges, to review discovery for this matter, and to discuss possible resolutions with the government and the defendants.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 14, 2022 to March 8, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 7, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ALEXANDRE DEMPSEY
ALEXANDRE DEMPSEY
Assistant United States Attorney

Dated: December 7, 2022

/s/ JOHN GARLAND
JOHN GARLAND
Counsel for Defendant
HUU TIEU

ORDER

IT IS SO ORDERED that the status conference is continued from December 14, 2022, to **March 8, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **December 7, 2022**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE